

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vaughn L. Bauer

Ser. No. 10/695,011

Group Art: 3671

Filed: November 28, 2003

Examiner: Victor D. Batson

For: **SECTIONAL TOOLBAR FOR
A PLANTER**

PRELIMINARY AMENDMENT FOR RCE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action of August 4, 2006.

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A method of providing a forwardly folding toolbar for a farm implement, said toolbar being operatively connected to a tongue, the method comprising:
- (a) operatively, attaching a center section to the tongue of the toolbar at a substantially right angle;
 - (b) operatively, pivotally attaching an inner end of an inner wing section to each end of the center section;
 - (c) operatively, pivotally attaching an inner end of an outer wing section to an outer end of each inner wing section, the outer wing section having an outer end wherein a distance between the outer end of the outer wing section and the inner end of the inner wing section is greater than a distance between the inner end of the outer wing section and the inner end of the inner wing section; and
 - (d) adjusting the length of the tongue to cause a rotating of both wing sections at pivot points located on the center section to bring outer ends of the wing sections forward until the wing sections lie substantially parallel to the tongue, the outer end of the outer wing section disposed more forward than the inner end of the outer wing section.
2. (Original) The method of claim 1 additionally comprising supporting the center section with ground engaging wheels.

3. (Original) The method of claim **1** additionally comprising supporting pivot points between each of the wing sections with ground engaging wheels.

4. (Original) The method of claim **1** additionally comprising supporting ends of the outer sections with ground engaging wheels at each extreme end of the outer wing sections.

5. (Original) The method of claim **3** wherein actuators are provided for raising the pivot points relative to the ground engaging wheels, upon folding, the method additionally comprising raising the pivot points between each of the wing sections relative to the ground engaging wheels with the actuators therebetween before the step of rotating both wing sections.

6. (Original) The method of claim **4** wherein actuators are provided for raising the pivot points relative to the ground engaging wheels, upon folding, the method additionally comprising raising the extreme end of each of the wing sections relative to the ground engaging wheels with the actuators therebetween before the step of rotating both wing sections.

7. (Original) The method of claim **5** additionally comprising the step of lowering the pivot points between each of the wing sections relative to the ground engaging wheels with the actuators therebetween when the wing sections lie substantially parallel to the tongue.

8. (Original) The method of claim **6** additionally comprising the step of lowering the extreme end of each of the wing sections relative to the ground engaging wheels with the actuators therebetween when the wing sections lie substantially parallel to the tongue.

9. (Original) The method of claim 7 additionally comprising engaging a latch to the tongue of the toolbar upon lowering the pivot points between each of the wing sections.

10. (Original) The method of claim 8 additionally comprising engaging a latch to the tongue of the toolbar upon lowering the extreme end of the wing section.

11. (Currently Amended) An implement toolbar that is forwardly folding comprising:

- (a) a tongue having a forward end and a rearward end, the tongue having an extended length and a contracted length, the extended length being longer than the contracted length;
- (b) a center section operatively attached to the tongue at a substantially right angle;
- (c) inner wing sections, operatively pivotally attached at inner ends of the inner wing sections to each end of the center section;
- (d) outer wing sections, operatively pivotally attached at inner ends of the outer wing sections to an outer end of each inner wing section, the outer wing sections having outer ends wherein a distance between one of the outer ends of the outer wing sections and an associated inner end of one of the inner wing sections is greater than a distance between one of the inner ends of the outer wing sections and the associated inner end of one of the inner wing sections; and
- (e) folding means operatively attached to the tongue for rotating both wing sections at pivot points located on the center section to bring outer ends of the wing sections toward the forward end of the tongue until the wing sections lie substantially

parallel to the tongue and the outer ends of the outer wing sections are disposed forward of the inner ends of the outer wing sections.

12. (Original) The implement toolbar of claim **11** additionally comprising ground engaging wheels for supporting the center section.

13. (Original) The implement toolbar of claim **11** additionally comprising ground engaging wheels for supporting pivot points between each of the wing sections.

14. (Original) The implement toolbar of claim **11** additionally comprising ground engaging wheels for supporting ends of the outer sections, said ground engaging wheels being located substantially at each extreme end of the outer wing sections.

15. (Original) The implement toolbar of claim **13** additionally comprising actuators for raising the pivot points relative to the ground engaging wheels during folding.

16. (Original) The implement toolbar of claim **14** additionally comprising actuators for raising the pivot points relative to the ground engaging wheels during folding.

17. (Currently Amended) The implement toolbar of claim **15** additionally comprising ~~latch for operably~~ a latch for operatively affixing a pivot point between the inner wing section and the outer wing section to the tongue of the toolbar by lowering the pivot point between each of the wing sections after the wing sections lie substantially parallel to the tongue.

18. (Original) The implement toolbar of claim **16** additionally comprising latch for operably affixing an extreme end of the outer wing section to the tongue of the toolbar by lowering the extreme end of the outer wing section after the wing sections lie substantially parallel to the tongue.

19. (Currently Amended) An implement toolbar that is horizontally folding comprising:

- (a) a tongue having a forward end and a rearward end, an extended length and a contracted length, the extended length being longer than the contracted length;
- (b) more than three sections comprising a center section having two ends and at least three wing sections, each operatively pivotally attached end to end, all the sections lying substantially linearly from each end of the center section to an outer end of an outermost wing section; and
- (c) folding means operatively attached to the tongue for rotating the at least three wing sections at pivot points located on the center section to bring outer ends of the at least three wing sections forward until the at least three wing sections lie substantially parallel to the tongue and substantially linearly from each pivot point located on the center section to said outer end of the outermost wing section.

20. (Original) The implement toolbar of claim **19** wherein the toolbar is forwardly folding.

21. (Previously presented) The implement of claim **19** including a forward end of the tongue, adapted to be attached to a rear end of a prime mover.

22. (Previously presented) The implement of claim **19** including a hitch disposed on a forward end of the tongue, said hitch being adapted to be attached to a rear end of a prime mover.

23. (Previously presented) The method of claim **1** including attaching a forward end of the tongue to a tractor for towing the implement forwardly.

24. (New) A method of providing a forwardly folding toolbar for a farm implement, said toolbar being operatively connected to a tongue, the method comprising:

- (a) operatively, attaching a center section to the tongue of the toolbar at a substantially right angle;
- (b) operatively, pivotally attaching an inner end of an inner wing section to each end of the center section;
- (c) operatively, pivotally attaching an inner end of an outer wing section to an outer end of each inner wing section, the outer wing section having an outer end wherein a distance between the outer end of the outer wing section and the inner end of the inner wing section is greater than a distance between the inner end of the outer wing section and the inner end of the inner wing section; and
- (d) rotating both wing sections at pivot points located on the center section to bring outer ends of the wing sections forward until the wing sections lie substantially parallel to the tongue, the outer end of the outer wing section disposed more forward than the inner end of the outer wing section and wherein a front portion of the tongue is thereby caused to be disposed more forward than the wing sections.

25. (New)

An implement toolbar that is forwardly folding comprising:

- (a) a tongue having a forward end and a rearward end;
- (b) a center section operatively attached to the tongue at a substantially right angle;
- (c) inner wing sections, operatively pivotally attached at inner ends of the inner wing sections to each end of the center section;
- (d) outer wing sections, operatively pivotally attached at inner ends of the outer wing sections to an outer end of each inner wing section, the outer wing sections having outer ends wherein a distance between one of the outer ends of the outer wing sections and an associated inner end of one of the inner wing sections is greater than a distance between one of the inner ends of the outer wing sections and the associated inner end of one of the inner wing sections; and
- (e) folding means for rotating both wing sections at pivot points located on the center section to bring outer ends of the wing sections toward the forward end of the tongue until the wing sections lie substantially parallel to the tongue and the outer ends of the outer wing sections are disposed forward of the inner ends of the outer wing sections and whereby the forward end of the tongue is disposed in front of the wing sections so that such forward end of the tongue can be adapted to be attached to the rear of a tractor .

26. (New) An implement toolbar that is horizontally folding comprising:

- (a) a tongue having a forward portion and a rear portion;
- (b) more than three sections comprising a center section having two ends and at least three wing sections, each operatively pivotally attached end to end, all the sections lying substantially linearly from each end of the center section to an outer end of an outermost wing section when in an operative position thereof; and
- (c) wherein the at least three wing sections lie substantially parallel to the tongue and substantially linearly from each pivot point located on the center section to said outer end of the outermost wing section and whereby the forward portion of the tongue is disposed more forward than any part of the wing sections in a transport position thereof.

27. (New) The implement toolbar of claim **26** wherein said more than three sections comprises at least four wing sections.

REMARKS

Claim 17 was rejected under 35 U.S.C. §112 as being indefinite. Accordingly, claim 17 has been amended as kindly suggested by Examiner Batson.

Claims 1-23 were rejected under 35 U.S.C. §102(b) as being anticipated by Kirwin (U.S. Patent No. 5,291,954).

Claim 1 has been amended to recite: “...adjusting the length of the tongue to cause a rotating of both wing sections....”. Since the Kirwin device does not adjust the wing sections while adjusting the length of the tongue, claim 1 and claims 2-10 dependent thereon are clearly allowable.

Claims 11 and 19 are hereby amended to add the limitation that the tongue has an extended and a retracted length, and that the “folding means” is “operatively attached to the tongue for rotating the at least three wing sections...” a feature not in the Kirwin device.

New claim 24 recites that “a front portion of the tongue is thereby caused to be disposed more forward than the wing sections”. The Kirwin device has the wing sections more forward than what the Examiner is reading as the tongue.

New claims 25 and 26 recite that “the forward end of the tongue is disposed in front of the wing sections so that such forward end of the tongue can be adapted to be attached to the rear of a tractor.” In contrast, the Kirwin device has the wing sections more forward than what the Examiner is reading as the tongue.

Accordingly, since all remaining claims 1–27 are believed to be clearly allowable, a notice to that effect is earnestly solicited.

Respectfully submitted,

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